

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

VINCIN CAMPISE,

Plaintiff,

V.

**HECTOR DAVILLA, VICTOR
MERILES, ALONZO ROBLES,
ROBERTA RICO,**

Defendants.

CIVIL NO. W-22-CV-00695-ADA

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland. ECF No. 37. The report recommends Defendants' Motion to Dismiss (ECF No. 21) be **GRANTED** for a lack of subject-matter jurisdiction, insufficient process, and failure to state a claim upon which relief can be granted. The report and recommendation was filed on February 28, 2024.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiff filed objections on March 8, 2024. ECF No. 38. It appears to the Court that Plaintiff withdrew his objections on March 11, 2024. ECF No. 39. Therefore, the Court will treat

the proposed findings and recommendations of the magistrate judge as though no objections were timely filed.


When no objections are timely filed, a district court reviews the magistrate judge's report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."). The Court has reviewed the report and recommendation and finds no clear error.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland, ECF No. 37, is **ADOPTED**.

IT IS FURTHER ORDERED that to the extent Plaintiff did not withdraw its objections, Plaintiff's objections are **OVERRULED**.

IT IS FINALLY ORDERED that Defendants' Motion to Dismiss, ECF No. 21, is **GRANTED** in accordance with the Report and Recommendation.

SIGNED this 21st day of March, 2024.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE